2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB786)

Wanted: As time permits For: John Gard (608) 266-3387				Received By: csundber				
					Identical to LRB: By/Representing: Jason Culotta			
This file	e may be shown	to any legislate	or: NO		Drafter: csundber			
May Co	ontact:			Addl. Drafters:				
Subject	: Trade I	Regulation - ot	her		Extra Copies:			
Submit	via email: YES							
Request	ter's email:	Rep.Gard	@legis.state	.wi.us				
Carbon	copy (CC:) to:	christophe	r.sundberg	@legis.state.	wi.us			
Pre To	pic:					·		
No spec	cific pre topic gi	ven						
Topic:			rotunito de la companio de la compa					
Only m	otor vehicle fue	l covered; lowe	r penalty					
Instruc	ctions:						***************************************	
See Atta	ached							
Draftin	g History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	csundber 04/25/2006	lkunkel 04/25/2006						
/1	csundber 04/25/2006	lkunkel 04/25/2006	jfrantze 04/25/200	06	lnorthro 04/25/2006	lnorthro 04/25/2006		
/2			chaugen 04/25/200	06	mbarman 04/25/2006	mbarman 04/25/2006		

LRBs0714 04/25/2006 01:40:45 PM

Page 2

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB786)

Received: 04/25/2006 Wanted: As time permits For: John Gard (608) 266-3387				Received By: csundber Identical to LRB: By/Representing: Jason Culotta											
								This file	e may be showr	n to any legislate	or: NO		Drafter: csundb	er	
								May Co	ontact:				Addl. Drafters:		
Subject	: Trade	Regulation - ot	her		Extra Copies:										
Submit	via email: YES	S													
Reques	ter's email:	Rep.Gard	@legis.state	e.wi.us											
Carbon	copy (CC:) to:	christophe	r.sundberg	@legis.state.v	wi.us										
Pre To	pic:				Mark Arra & T. C.		4-1-1-								
No spec	cific pre topic g	iven													
Topic:				V-TI-VOITS TO OND ON THE STATE OF THE STATE											
Only m	otor vehicle fue	el covered; lowe	r penalty V												
Instruc	ctions:														
See Atta	ached														
Draftin	ng History:		***************************************												
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required								
/?	csundber 04/25/2006	lkunkel 04/25/2006													
/1	J	2 lm/c4/2s	jfrantze 04/25/200	06/11/1	lnorthro 04/25/2006	lnorthro 04/25/2006									
FE Sent	For:		420	<end></end>											

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB786)

Received: 04/25/2006	Received By: csundber
Wanted: As time permits	Identical to LRB:
For: John Gard (608) 266-3387	By/Representing: Jason Culotta
This file may be shown to any legislator: NO	Drafter: csundber
May Contact:	Addl. Drafters:
Subject: Trade Regulation - other	Extra Copies:
Submit via email: YES	
Requester's email: Rep.Gard@legis.state.wi.	us
Carbon copy (CC:) to: christopher.sundberg@le	gis.state.wi.us
Pre Topic:	
No specific pre topic given	
Topic:	
Only motor vehicle fuel covered; lower penalty $\sqrt{}$	
Instructions:	
See Attached	
Drafting History:	
Vers. Drafted Reviewed Typed P /? csundber / 4/25 / 4/25 m/c 4/25	roofed Submitted Jacketed Required

FE Sent For:

<**END>**

Sundberg, Christopher

To:

Culotta, Jason

Subject:

AB786

Under current s. 93.07 (1), DATCP may "adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100." While the bill grants DOJ enforcement authority, that's not inconsistent with DATCP exercising its authority to administer the provisions of ch. 100, including interpreting the "grossly exceeds" language.

Christopher Sundberg Legislative Attorney Legislative Reference Bureau (608) 266-9739 christopher.sundberg@legis.state.wi.us In: 4/25/00 Wanted: (nor

2005 - 2006 LEGISLATURE

CTS:lmk;(s)

ASSEMBLY SUBSTITUTE AMENDMENT TO 2005 ASSEMBLY BILL 786

October 25, 2005 / Introduced by Representatives Zepnick, Lehman, Shilling, SEIDEL, SHERIDAN, POCAN, SINICKI and TOLES, cosponsored by Senators HANSEN, DECKER, CARPENTER, TAYLOR, LASSA, RISSER and ERPENBACH, by request of Attorney General Peggy A. Lautenschlager. Referred to Committee on Judiciary.

motor vehicle

AN ACT to amend 100.26 (4m); and to create 100.54 of the statutes; relating

to: prohibiting charging grossly excessive prices for consumer goods and

services and providing a penalty. $\sqrt{}$

substitute motor vehicle fuel Analysis by the Legislative Reference Bureau

vehicle fuel is sold by snothe

This bill prohibits charging for consumer goods or services a wholesale or retail price that grossly exceeds the price at which similar goods or services are sold or that grossly exceeds the average price at which similar consumer goods or services were sold in the 12-month period immediately preceding a sale of the goods or services. Under the bill, "consumer goods or services" means goods or services typically used for personal, family, or household purposes, including emergency and medical supplies, transportation, freight and storage services, motor vehicle fuels, consumer Vehicle food items, home heating oil, building materials, housing, personal investment fuel opportunities, personal business opportunities, and personal training courses. "Consumer goods or services" does not include investment or business opportunities or training courses, when offered to a business; real estate, except cemetery lots or time shares; or certain pay-per-call services or newspaper subscriptions.

no P Under the bill, the attorney general investigates violations of, and enforces, the provisions of the bill.

Stra motor vehicle fuel was

1

ASSEMBLY BILL 786

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: **Section 1.** 100.26 (4m) of the statutes is amended to read 2 100.26 **(4m)** Any person who violates s. 100.18 (10r) or 100.54 is subject to a civil forfeiture of not less than \$100 nor more than \$10,000 for each violation. motor vehic **Section 2.** 100.54 of the statutes is created to read: 100.54 Grossly excessive prices for consumer products prohibited. (1) 15) In this section, "consumer goods or services" means goods or services typically used /6> (D for personal, family, or household purposes. "Consumer goods or services" includes 8 emergency and medical supplies, transportation, freight and storage services, motor /9 vehicle fuels, consumer food items, home heating oil, building materials, housing, a 10 personal investment opportunity, a personal business opportunity, or a personal (1)training course, but does not include any of the following: 12 (a) An investment opportunity, business opportunity, or training course, when 13 offered to a business. 174) (b) Real estate, except a time share as defined in s. 707.02 (24) or a cemetery 15 lot. 16 (c) A pay—per-call service, unless the sale of the service violates s. 196.208. 117 (d) A newspaper subscription, if the consumer may cancel the subscription at The motor rehicle (18) any time without penalty. (2) No person may charge a wholesale or retail price for consumer goods or (19)

services that grossly exceeds the price at which similar goods or services are sold or

that grossly exceeds the average price at which similar consumer goods or services

motor vehicle fuel

120

the motor relicle fuel was

ASSEMBLY BILL 786

were sold in the 12-month period immediately preceding a sale of the goods or services.

The attorney general shall investigate violations of, and enforce, this section.

(END)

2005–2006 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRBs0714/1ins CTS:...:...

1	Insert 2–1:
2	SECTION 1. 100.26 (10) of the statutes is created to read:
3	100.26 (10) Any person who violates s. 100.55 may be required to forfeit not less
4	han \$100 por more than \$5,000 for each violation

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

· ·	· · · · · · · · · · · · · · · · · · ·					
4/25/06 Jason/Gar						
	e duni manggaran man T					
Jason/Gar	ant de la company de la compan					
8						
1 101	LRB=0714.					
rodati	しいりもとナノサ	·	penalty		(0, 800	Max.
	V		1 /			
	(CA) (Millimated or head and restricted the head of CA) districted preventional annual annua	***************************************		eliteratiinte taliaanataa aanataalaan aanataalaan aanataan aanataan aanataan aanataan aanataan aanataan aanata		
						200000 AAA 000000 AAA 00000 AAA 00000 AAA
		CPR-92/				
чен байна тараан жайын жайы		Metropologica (Alexandria de Carandria de Carandria (Alexandria de Carandria de Carandria de Carandria de Cara				***************************************
	отранования на поставления на поставления поставления поставления на применя на применя на применя на применя В применя на применя н	***************************************			APPEARANCE OF THE STREET OF TH	·
		The state of the s		anne Marie ann an Airgean agus ann an Airgeann ann an Airgeann ann an Airgeann ann an Airgeann ann ann an Airg	Control of the control of the company of the control of the contro	
	**************************************	7-8-4-8				
Publik fundak managan kilak dalah lah managah kan mengan mengan mengan mengan mengan mengan mengan mengan menga		v	kija kija ja j	100 ft		
		9.000000000000000000000000000000000000			***************************************	***************************************

				***************************************		TO TO THE TOWN THE PROPERTY OF
		keldel i er edil hi edil libili kerdi er edil er edildi ere e e e e e e e e e e e e e e e e e		***************************************	erretari en	
				D-1-12-201-1-1-12-201-1-1-1-1-1-1-1-1-1-1		

. 1986 to 1887 to 1888 to 1886						
	emintelle i destruire i in anno anno anno anno anno anno anno					
			ka k		~	
kirkitekirkitaki (demonante) et le kekirkirekorrana kirimana menamana mengananga (1947), (1947), (1944)	1979-1979, 1990 kan alimeteta da matamata da matamata kan mendisi kan mendisi kan mendebahan kependa da menda m Territoria					
	er oan de state fan de state fan de f					~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
	et state die de deux mension de deux de deux de la graph (1875) de 1875 de 1875 de 1875 de 1876 de 1876 de 187 La graph de la graph de 1876 d					
			ann earna ann an agus ann a		ti ti make t nemit kom styrmegani	
	килин или от от от такта на должна и из при от		de Comment de Comment des Landau de monscons en entre actual com en consecuent actual de la commentant de la c	e mer en en den en e	er au iaman saan 192	
lrevariare as are on above are a constitute and a finite above a special constitute and a special constitute a	na construction appears the scattering and extraction of the following the scattering the scattering and the					
enging the spellight commit acting any angular angular angular angular angular angular angular angular angular	Manager Company of the Company of th					DD
		Prince Management of the Control of		ang a mang melikang padapang Phondody a mendidik ka Jima na Jima ka pamanang		ND
on the control of the	7777 1947774	ett ole governore en tre en de se en	and a state of the destroy of the state and a state of the state and an analysis and a specific part of the state of the s		Wiscon	rsin Legislative



1

2

(5)

6

State of Misconsin 2005 - 2006 LEGISLATURE

INOW

LRBs0714/4 ZMNR CTS:lmk:jf

ASSEMBLY SUBSTITUTE AMENDMENT, TO 2005 ASSEMBLY BILL 786



 $\operatorname{AN}\operatorname{ACT}$ to create $100.26\,(10)$ and 100.55 of the statutes; relating to: prohibiting

charging grossly excessive prices for motor vehicle fuel and providing a penalty.

Analysis by the Legislative Reference Bureau

This substitute amendment prohibits charging for motor vehicle fuel a wholesale or retail price that grossly exceeds the price at which motor vehicle fuel is sold by another or that grossly exceeds the average price at which motor vehicle fuel was sold in the 12-month period immediately preceding a sale of the motor vehicle fuel. Under the substitute amendment, the attorney general investigates violations of, and enforces, the provisions of the substitute amendment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

(3) **SECTION 1.** 100.26 (10) of the statutes is created to read:

100.26 (10) Any person who violates s. 100.55 may be required to forfeit not less

than \$100 nor more than \$5,000 for each violation.

SECTION 2. 100.55 of the statutes is created to read:

/NS 1-5/

100.55 Grossly excessive prices for motor vehicle fuel prohibited. (1)
No person may charge a wholesale or retail price for motor vehicle fuel that grossly
exceeds the price at which motor vehicle fuel is sold by another or that grossly
exceeds the average price at which motor vehicle fuel was sold in the 12-month
period immediately preceding a sale of the motor vehicle fuel.
(0) (7)

(2) The attorney general shall investigate violations of, and enforce, this section.

(END)

-2-

LRB-3682/T CTS:lmk:rs

ASSEMBLY BILL 786

21

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	S ECTION 1 . 100.26 (4m) of the statutes is amended to read:
	The state of the s
2	100.26 (4m) Any person who violates s. 100.18 (10r) or 100.54 is subject to a
3	civil forfeiture of not less than \$100 nor more than \$10,000 for each violation.
4	Section 2. 100.54 of the statutes is created to read:
5	100.54 Grossly excessive prices for consumer products prohibited. (1)
6	In this section, "consumer goods or services" means goods or services typically used
7	for personal, family, or household purposes. "Consumer goods or services" includes
8	emergency and medical supplies, transportation, freight and storage services, motor
9	vehicle fuels, consumer food items, home heating oil, building materials, housing, a
10	personal investment opportunity, a personal business opportunity, or a personal
11	training course, but does not include any of the following:
12	(a) An investment opportunity, business opportunity, or training course, when
13	offered to a business.
14	(b) Real estate, except a time share as defined in s. 707.02 (24) or a cemetery
15	lot.
16	(c) A pay-per-call service, unless the sale of the service violates s. 196.208.
17	(d) A newspaper subscription, if the consumer may cancel the subscription at
18	any time without penalty.
19	(2) No person may charge a wholesale or retail price for consumer goods or
20	services that grossly exceeds the price at which similar goods or services are sold or

that grossly exceeds the average price at which similar consumer goods or services